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HOUSE BILL 1278

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO WATER; AMENDING AND ENACTING SECTIONS OF CHAPTER 72
NMSA 1978 TO PROVIDE FOR AN ALTERNATIVE METHOD OF ACQUIRING
WATER RIGHTS TO SATISFY THE PECOS RIVER SETTLEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 72, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] PECOS RIVER--PURCHASE OF ADDITIONAL WATER
RIGHTS.--

A. In addition to the land with appurtenant water
rights or rights to the delivery of water acquired pursuant to
the provisions of Section 72-1-2.4 NMSA 1978, the interstate
stream commission may expend funds for the purchase of water
rights or rights to the delivery of water without acquiring the
surface of the land to which the water rights or rights to the

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1 delivery of water are appurtenant. No such expenditure shall
2 be made unless the commission has entered into contracts with
3 the governing bodies of the Pecos valley artesian conservancy
4 district and the Fort Sumner irrigation district that specify
5 the actions the parties agree will be taken or avoided to
6 ensure that the expenditures will be effective toward permanent
7 compliance with New Mexico's obligations under the Pecos River
8 Compact pursuant to Section 72-15-19 NMSA 1978 and amended
9 decree.

10 B. Expenditures for the purchase of water rights or
11 rights to the delivery of water pursuant to this section shall
12 be made only from willing sellers for projects that comply with
13 the following criteria:

14 (1) the water rights or rights to the delivery
15 of water are located within the Roswell Artesian Basin, Pecos
16 valley artesian conservancy district or the Fort Sumner
17 irrigation district; and

18 (2) the transactions through which the
19 commission purchases the water rights or rights to the delivery
20 of water are conducted in compliance with procedures set forth
21 in Subsections F and G of Section 72-1-2.4 NMSA 1978, except
22 that the resulting contracts shall not require the commission
23 to purchase the land to which the water rights or rights to the
24 delivery of water are appurtenant.

25 C. Water rights or rights to the delivery of water

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1 purchased by the commission pursuant to this section shall be
2 included in the calculation of the ratio mandated by Section
3 72-1-2.4 NMSA 1978.

4 D. If the interstate stream commission determines
5 that ownership of all or any part of the surface of land
6 acquired by the commission pursuant to Section 72-1-2.4 NMSA
7 1978 is not necessary or desirable for permanent compliance
8 with New Mexico's obligations under the Pecos River Compact
9 pursuant to Section 72-15-19 NMSA 1978 and amended decree, the
10 commission shall offer the land for sale. The land shall be
11 offered for sale in the order in which it was acquired by
12 sending a written offer to sell, by certified mail, to the
13 party from whom the commission purchased the land at the
14 party's last known address. The offer shall remain open for at
15 least sixty days from the date of mailing. The offer shall
16 include a notice that, if the offer is not accepted by the
17 prior owner within the time stated pursuant to this section,
18 the offer will be deemed rejected and automatically withdrawn
19 and the land may be made available for purchase at the current
20 market price by third parties. The revenue from the sale shall
21 be deposited into the Pecos river basin land management fund.

22 E. If the interstate stream commission determines
23 that the total water rights and the rights to the delivery of
24 water purchased pursuant to Chapter 72, Article 1 NMSA 1978 are
25 in excess of those rights permanently needed for New Mexico's

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1 obligations under the Pecos River Compact, the commission shall
2 offer the excess water rights for sale in the manner set forth
3 in Section 72-1-2.4 NMSA 1978."

4 Section 2. Section 72-1-2.5 NMSA 1978 (being Laws 2006,
5 Chapter 77, Section 1) is amended to read:

6 "72-1-2.5. PECOS RIVER BASIN LAND MANAGEMENT FUND.--The
7 "Pecos river basin land management fund" is created in the
8 state treasury. The fund shall consist of appropriations,
9 grants, donations or bequests to the fund, ~~[all revenues]~~
10 income from land and water rights purchased pursuant to
11 [Section 72-1-2.4 NMSA 1978] Chapter 72, Article 1 NMSA 1978,
12 revenue from land sold pursuant to Chapter 72, Article 1 NMSA
13 1978 and income from investment of the fund or money otherwise
14 accruing to the fund. Money in the fund shall be invested
15 pursuant to Chapter 6, Article 10 NMSA 1978. The interstate
16 stream commission shall adopt rules for managing the land, for
17 depositing revenues from the land and to administer the fund,
18 and money in the fund is appropriated to the commission to
19 manage the land purchases pursuant to Section 72-1-2.4 NMSA
20 1978 and to manage augmentation well fields in the lower Pecos
21 river basin. Money in the fund shall not revert to any other
22 fund at the end of a fiscal year. Money in the fund shall be
23 disbursed on warrants signed by the secretary of finance and
24 administration pursuant to vouchers signed by the director of
25 the interstate stream commission or the director's authorized

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